THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.24128 OF 1996

DATED: 12-12-2006

Between:

B.B. Venkateshwar Rao and others

.. Petitioners

and

The General Manager, Singareni Colleries Company Limited, Ramkrishnapur, Adilabad District and another

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

W.P.NO.24128 OF 1996

Order:

This writ petition is filed seeking a mandamus declaring the action of the respondents in disengaging all the petitioners from the posts of General Majdoor as illegal and arbitrary and further to direct the respondents to absorb all the petitioners as General Majdoor.

At the outset, it may be noticed that the writ petition against the 4th petitioner was dismissed as withdrawn as per the court order dated 09-01-2004.

It appears, the petitioners are all working in the respondent company as CF and BCF on daily wage basis. In daily-rated jobs also, there are different categories such as Category I, II, III, IV and V etc. The post of General Majdoor, which is a daily-rated post, carries the pay of Category-I. Comparatively Category-I wages are less than the piece-rated wages such as BCF and CF. The petitioners have been engaged as General Majdoor in general shifts for the past many years. Therefore, they are entitled for absorption as General Majdoor. In the respondent-company, services of many General Majdoor were regularized. At the behest of some Trade Union, the respondents are trying to disengage the petitioners. The respondents cannot arbitrarily disengage the services of the petitioners. The petitioners are entitled for absorption as General Majdoor and their right cannot be taken

away by anybody. Therefore, this writ petition is filed.

While admitting the writ petition, an interim order was passed on 09-12-1996 directing the respondents to continue all the petitioners as General Majdoor in general shift, pending the writ petition. Further, the said order was made absolute on 17-07-2002. Therefore, the petitioners are continuing in their respective jobs as of now.

In view of the above, the respondents are directed to consider regularization of the services of the petitioners (except the 4th petitioner against whom the writ petition is dismissed as withdrawn on 09-01-2004) as per the scheme available and on par with similarly situated persons, within a period of three months from the date of receipt of a copy of this order if not already regularized. The petitioners shall be put on notice and they shall be heard in this regard and the decision taken by the respondents shall be communicated to them. Till such consideration, the services of the petitioners shall not be disturbed.

With the above direction, the writ petition is disposed of. No order as to costs.

C.V. RAMULU, J

12-12-2006.

IBL